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Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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**PETITION ROUTING SLIP**

(Find the petition from the list and check the box in the heading above the petition)

**Complete if Known**

Application Number	09/120 448	FAK RECEIVED
Filing Date	July 22 1998	
First Named Inventor	John Leroy Silvers	
Group Art Unit	2664	FEB 22 2002
Examiner Name	K Yao	
Attorney Docket Number	4191-001	PETITIONS OFFICE

☐ **PETITIONS DECIDED BY PETITIONS OFFICE**

- 301 Reopening to Public Use Proceedings (37 CFR 1 292)  
 302 To make application special - prospective manufacture (37 CFR 1 102 MPEP 708 02)  
 303 To make special - arrangement (37 CFR 1 102 MPEP 708 02)  
 304 Reopening to the Public Use Proceedings (37 CFR 1 177)  
 305 To make or suspend rules (37 CFR 1 183)  
 306 To expunge a paper from patent application or patent file (37 CFR 1 59)  
 307 Withdrawal of Attorney (37 CFR 1 36)  
 308 For access to application except in proceedings before Board (37 CFR 1 102 MPEP 708 02)  
 309 Reopening to Small Entity (37 CFR 1 28)  
 310 Reopening to Reexamination (37 CFR 1 181-1 183)  
 311 For correction of inventorship for applications - no filing date (37 CFR 1 48)  
 312 For correction of inventorship for PCT applications (37 CFR 1 48)  
 313 For filing application without one or more inventions (37 CFR 1 47)  
 314 For filing PCT application without one or more inventions (37 CFR 1 47)  
 315 For extension of time without fee in cases in Application Division (37 CFR 1 136(b))  
 399 For matters before A/C for Patents - not specified  
 408 Reopening to a filing date under 35 USC 1116 37 CFR 1 33  
 411 Filing date for application filed by Express Mail (37 CFR 1 10)  
 412 Filing date for lost application  
 501 To revive an abandoned application - unavoidable delay (37 CFR 1 137(a))  
 502 To revive an abandoned application - unintentional abandonment (37 CFR 1 137(b))  
 503 To withdraw/suspend rules (37 CFR 1 183)  
 504 To involve supervisory authority - re patent examining operations (37 CFR 1 107)  
 505 To withdraw from issue after payment of issue fee (37 CFR 1 313(a)(1-4))  
 506 To withdraw from issue after payment of issue fee (37 CFR 1 313(b)) of abandoned application in favor of continuing application  
 507 To enter priority papers after issue fee payment (37 CFR 1 302(a))  
 508 To defer issuance of patent (37 CFR 1 314)  
 509 To involve supervisory authority - re Office of Admin (37 CFR 1 181)  
 510 To involve/suspend rules re patent matters in Office of Admin (37 CFR 1 183)  
 511 To decide matters before Deputy A/C for Patents under 37 CFR 1 182  
 521 To review/reject up accept & record maintenance fee - application filed on or after 8/27/02 (37 CFR 1 377)  
 522 To issue patent in the name of the Assignee (37 CFR 1 336(c))  
 523 To withdraw a holding of abandonment (37 CFR 1 181)  
 524 To order a Commissioner/Supervising Reexamination proceeding (37 CFR 1 320)  
 527 To convert Provisional Application  
 528 To reinstate abandoned Provisional application  
 530 PCT petition-unavoidable  
 531 PCT petition-unintentional  
 532 To accept who/when/where payment of maintenance fee (37 CFR 1 378 (a))  
 533 To accept unintentionally delayed payment of maintenance fee (37 CFR 1 378 (c))  
 534 Petitions related to reexamination proceedings  
 599 For matters before the Deputy A/C for Patents - not specified

☒ **PETITIONS DECIDED BY THE GROUP DIRECTOR**

- 601 To make application special on grounds of age or health (37 CFR 1 102 MPEP 708 02)  
 602 To make special - continuity of earlier application (37 CFR 1 102 MPEP 708 02)  
 603 To make special - reexamination quality program (37 CFR 1 102 MPEP 708 02)  
 604 To make special - accelerated examination (37 CFR 1 102 MPEP 708 02)  
 605 To make special - Energy Program (37 CFR 1 102 MPEP 708 02)  
 606 To make special - Recombinant DNA (37 CFR 1 102 MPEP 708 02)  
 607 To make special for responses not provided for in codes 601-606 (37 CFR 1 102 MPEP 708 02)  
 608 To reopen prosecution after Board decision (37 CFR 1 156)  
 609 For review of final restriction requirement (37 CFR 1 144)  
 610 Involving Authority of Commissioner under 37 CFR 1 181 not specified in codes  
 611 Reopening to the prematureness of final rejection (37 CFR 1 181 MPEP 708 07(c))  
 612 Reopening to the refusal to enter an amendment (37 CFR 1 181 & 1 127 MPEP 714 19)  
 613 To withdraw a holding of abandonment (37 CFR 1 137 MPEP 711 03)  
 614 Reopening to a reexamination to cancel new matter from application (37 CFR 1 181 MPEP 708 04(c))  
 615 Reopening to formal deficiency/propriety of affidavits (37 CFR 1 131, 1 132, 1 608 MPEP 715 07)  
 616 To institute an interference (37 CFR 1 606)  
 617 Reopening to refusal to enter an amendment under 37 CFR 1 312  
 618 For concurrent Ex parte and Inter parte proceedings (37 CFR 1 212)  
 619 For return of original oath of patent application (MPEP 604 04(a))  
 620 For extension of time (37 CFR 1 136(b))  
 621 For interview after notice of allowance mailed (MPEP 713 10)  
 622 Concerning appeal application before transfer of jurisdiction to Board (MPEP 1206)  
 623 For second or subsequent suspension of action (37 CFR 1 103 MPEP 708)  
 624 To reinstate Appellate dismissed in Group  
 625 From denial of reexamination request (37 CFR 515(c))  
 627 To enter an amendment after payment of issue fee (37 CFR 1 312(b))  
 628 From refusal to issue a Certificate of Correction (37 CFR 1 181 MPEP 1480 -1485)  
 629 For withdrawal of attorney from application pending in group (37 CFR 1 36)  
 630 For extension of time in a reexamination (37 CFR 1 550(c))  
 631 To merge multiple reexamination proceedings (37 CFR 1 565(c) MPEP 2263)  
 632 To effect a second conversion of invention (37 CFR 1 48 MPEP 201 03)  
 633 Suspend/revive  
 634 To correct interference in a patent not in interference (37 CFR 1 324 MPEP 1481)  
 635 To change inventorship in an application (37 CFR 1 48)  
 636 To change inventorship in a patent (37 CFR 1 48)  
 637 To withdraw from issue before payment of an issue fee (37 CFR 1 313(a))  
 699 For matters before Group Director - not specified

☐ **PETITIONS DECIDED BY BOARD OF PATENT APPEALS AND INTERFERENCES**

- 701 To exercise supervisory authority re action by examiner/attorney-in-chief (37 CFR 1 644)  
 702 To accept/execute filed copies of interference settlement agreements (35 USC 135(c), 37 CFR 1 666(c))  
 703 For withdrawal of attorney in proceeding under 37 CFR 1 201 - 1 246 (37 CFR 1 36)  
 704 For access to a settlement agreement under 35 USC 135(c), 37 CFR 1 666(b))  
 705 For access to an application in proceedings before the Board (37 CFR 1 14(e))  
 706 From a refusal to issue a Certificate of Correction (37 CFR 1 322 1 323)  
 707 To correct errors in invention (37 CFR 1 324)  
 708 For extension of time to file amendment under 37 CFR 1 196(b) (37 CFR 1 136)  
 709 To make an application before the Board special (37 CFR 1 102)  
 710 For extension of time to file supplemental Reply Brief (37 CFR 1 136)  
 711 To assign particular members to hearing or to request augmented panel (35 USC 7)  
 712 To decide miscellaneous questions in proceedings under 37 CFR 1 601-1 688  
 713 To accept priority papers in application in interference (37 CFR 1 601)  
 714 To reinstate an appeal  
 799 For matters before Chairman of Board - not specified  
 801 To make an application before the Board special (37 CFR 1 102)  
 802 To reinstate an appeal  
 803 To extend time/suspend proceedings (37 CFR 1 197 - 1 304)  
 804 For extension of time to file supplemental Reply Brief (37 CFR 1 136)  
 805 To accept/reject request for an Oral hearing (37 CFR 1 136)  
 899 For matters before the Chair of the Board - not specified

☐ **PETITIONS DECIDED BY SPECIAL LAWS (SECURITY AND GOVERNMENT INTEREST MATTERS)**

- 901 under 42 USC 2182  
 902 under 42 USC 2437  
 903 under 35 USC 184  
 904 Under 35 USC 267  
 905 To consider review security or Government interest matters - not specified

☐ **PETITIONS DECIDED BY THE SOLICITOR**

- 991 Petitions for extension of time in court matters 35 USC 142, 145 146  
 992 Petitions relating to ex parte questions in cases before the Court of Appeals for the Federal Circuit  
 993 Requests filed under the Freedom of Information Act  
 999 not specified

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**Morgan, Lewis  
& Bockius LLP**

COUNSELORS AT LAW

#10

**FACSIMILE COVER LETTER**

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FEB 22 2002

PETITIONS OFFICE

DATE: 2/22/02 TIME: \_\_\_\_\_NO. OF PAGES INCLUDING COVER PAGE: 15TO: John Gillow, Esq. / Office of PetitionsFROM: Steven R. Bartholomew

RE: \_\_\_\_\_

CLIENT: \_\_\_\_\_ CLIENT NO.: 056279-5001TELECOPIED TO TELEPHONE NO.: 703-308-6916TELECOPIED BY: HJ

COMMENTS: \_\_\_\_\_

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PETITIONS OFFICE

Honorable Commissioner of Patents  
Washington, D.C. 20231

Sir:

THE RETURN OF THIS CARD PROPERLY STAMPED WILL  
ACKNOWLEDGE RECEIPT OF:Transmittal Form (1 p.); Fee Transmittal (1 p.); Petition Rounding Slip (1 p.); Issue  
Fee Transmittal (1 p.); Amendment Submitted With Payment of Issue Fee (2 pp.);  
Petition Requesting Entry of Amendment (2 pp.); Declaration (2 pp.); Submission  
of Formal Drawings (1 p.); Formal Drawings (2 pp.)Applicant(s).  
U.S. Application No.  
Filing Date  
Title:  
Attorney Docket No.John Leroy Silvers  
To Be Assigned  
Herewith  
System and Method of Disharmonic ...  
4191-001

C  
Petitions Office  
Randy Green  
308 6874

930-6  
Kwang Yao  
7-3 508 7-83

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

application of

licants : John Leroy Silvers  
 d No : 09/120,448  
 of Invention : July 22, 1998  
 "System and Method of Disharmonic Frequency  
 Multiplexing"  
 Unit : 2664  
 liner : K. Yao  
 ney Docker No : 4191-001

Commissioner of Patent and Trademarks  
 mendment  
 ington, D.C. 20231

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PETITION OFFICE

## Submission of Formal Drawings

ir:

In connection with the Notice of Allowability mailed On October 1, 2001, submitted  
 th are two (2) sheets of drawings for the above-referenced patent application.

December 19, 2001

Respectfully submitted,

*Steven R. Bartholomew*

Steven R. Bartholomew

Reg. No. 34,771

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#10

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Applicants : John Leroy Silvers  
Serial No : 09/120,448  
Filed : July 22, 1998  
Title of Invention : "System and Method of Disharmonic Frequency Multiplexing"  
Art Unit : 2664  
Examiner : K. Yao  
Attorney Docket No : 4191-001

FAX RECEIVED

FEB 22 2002

PETITIONS OFFICE

Hon Commissioner of Patent and Trademarks

Fee Amendment

Washington, D.C. 20231

*ok to enter*  
*MB***Amendment Submitted With Payment  
of Issue Fee Pursuant to 37 CFR 1.312**

Dear Sir:

Pursuant to 37 CFR 1.312, Applicant hereby petitions for entry of the present Amendment with payment of the Issue Fee. A Petition accompanies this Amendment.

**In The Title:**

Please amend the Title to Read "System and Method of Disharmonic Frequency Multiplexing." The PTO Filing Receipt, as well as the Notice of Allowance, both erroneously give the Title as "Ystem and Metrod of Disharmonic Frequency Multiplexing." Note that all documents submitted on Applicant's behalf throughout prosecution of the above-referenced patent application included the correctly-spelled version of the Title.

**Inventorship:**

Please note that Applicant's originally-submitted Declaration of John Leroy Silvers, attached hereto as Exhibit "A", as well as Applicant's newly-executed Declaration of John Leroy

Silvers dated November 8, 2001, attached hereto as Exhibit "B", both list only one, sole inventor: John Leroy Silvers. This is correct--the above-referenced patent application only has one, sole inventor, Mr. Silvers. However, the PTO Filing Receipt, as well as the Notice of Allowance, both erroneously list the name of a second individual, Jonathan Star, who is not an inventor of the above-referenced patent application

**Remarks:**

This Amendment is filed to ensure that the above-referenced patent issues with the correct Title and with the correct inventorship information. Due to PTO clerical errors, the Title has been erroneously spelled, and an individual has been erroneously listed as a co-inventor. Please ensure that the Title is corrected to read "System and Method of Disharmonic Frequency Multiplexing." Please ensure that the application reflects the name of one sole inventor, John Leroy Silvers.

Favorable action on this Amendment is earnestly solicited.

Dated: December 19, 2001

Respectfully submitted,



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Applicants : John Leroy Silvers  
Serial No : 09/120,448  
Filed : July 22, 1998  
Title of Invention : "System and Method of Disharmonic Frequency Multiplexing"  
Art Unit : 2664  
Examiner : K. Yao  
Attorney Docket No : 4191-001

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FEB 22 2002

PETITIONS OFFICE

Hon. Commissioner of Patent and Trademarks  
Fee Amendment  
Washington, D.C. 20231

**Petition Requesting Entry of Amendment With  
Payment of Issue Fee Pursuant to 37 CFR 1.312**

Dear Sir:

Pursuant to 37 CFR 1.312, Applicant hereby petitions for entry of an Amendment with payment of the Issue Fee. In reviewing the Notice of Allowability, applicant's attorney observed a typographical error in the Title of the Invention. More specifically, the Title is erroneously spelled as "Ystem and Merrod. . ." instead of "System and Method. . ." This appears to be a clerical error on the part of the PTO, as all paperwork filed on behalf of Applicant indicates the correct Title.

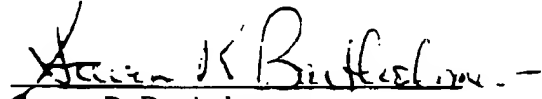
Upon further investigation, Applicant's attorney noted that an individual is erroneously listed as a co-inventor on the PTO Filing Receipt. However, Applicant's originally-filed Declaration, as well as a newly-executed Declaration, both list only one, sole inventor—John Leroy Silvers. This also appears to be a clerical error on the part of the PTO.

The purpose of Applicant's Amendment with Payment of Issue Fee is to ensure that the

patent issues with the correct Title and Inventorship information. The proposed "corrections" address what appear to be mere clerical errors, and are consistent with documents that have been previously filed by Applicant. To summarize, favorable action on this Petition is earnestly solicited.

Dated: December 19, 2001

Respectfully submitted,



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